

**CRM-M-63249-2024****209****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-63249-2024****Date of Decision: 26.03.2025**

Armanvir Singh Kailey

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:- Mr. Naveen Sheokand, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

Mr. Mikhail Kad, Advocate
for respondent No. 2

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner, in case FIR No.03 dated 11.10.2024 under Sections 376, 506 & 509 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Hauz Khas, New Delhi, now at Police Station Phase-8, SAS Nagar (Mohali).

2. The following order was passed on 16.12.2024:-

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') read with Section 528 of BNSS seeking anticipatory bail in FIR No.03 dated 11.10.2024 under Sections 376, 506 & 509 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Hauz Khas, New Delhi, now at Police Station Phase-8, SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that the petitioner and prosecutrix-respondent No.2 are well qualified doctors



and both of them were in a consensual relationship. Prosecutrix-respondent No.2 was well aware of their relationship that it will not culminate into marriage. Once the petitioner got engaged with someone else, prosecutrix-respondent No.2, out of jealousy, lodged the FIR (supra). After registration of FIR (supra), the petitioner and prosecutrix-respondent No.2 have resolved their dispute amicably and effected a compromise. The compromise and affidavit of prosecutrix-respondent No.2 are available on record as Annexures P-2 & P-3, respectively. Further, there is nothing on record, which would remotely suggest that the petitioner obtained consent of prosecutrix-respondent No.2 under some misconception as provided under Section 90 of IPC (now Section 28 of Bharatiya Nyaya Sanhita, 2023). The petitioner is not involved in any other case.

Notice of motion for 05.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.



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Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law ”

3. Learned counsel for respondent No. 2 opposed the prayer made by learned counsel for the petitioner and submits that the petitioner does not deserve the concession of anticipatory bail. He has placed reliance upon ***Anurag Soni vs. State of Chhattisgarh, 2019(2) RCR(Criminal) 852*** and ***Shitij Gaur vs. State of Haryana, 2016(5) RCR(Criminal) 31.***

4. Learned State counsel on instructions from Inspector Hardeep Singh submits that the petitioner has joined the investigation and is not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 16.12.2024 passed by this Court, is hereby made absolute.

6. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

8. The accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.



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- 9. The accused/petitioner shall not leave India without prior permission of the Court.
- 10. The accused/petitioner shall join the investigation as and when called by the police.
- 11. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
- 12. Pending application(s), if any, also stands disposed of accordingly.

26.03.2025

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Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No